

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-21659-Civ-GAYLES/TORRES

JAMES EDWARD JOHNSON,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

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**REPORT AND RECOMMENDATION ON UNOPPOSED MOTION FOR ENTRY
OF JUDGMENT UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g)**

This matter is before the Court on Defendant Kilolo Kijakazi's, the Acting Commissioner of Social Security ("Commissioner"), motion to enter a judgment with a remand of the cause to the Commissioner for further action. Commissioner cites sentence four of 42 U.S.C. § 405(g), that grants the Court power "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." On remand, the Administrative Law Judge will offer the claimant an opportunity for a new hearing, further evaluate the medical opinion evidence pursuant to 20 C.F.R. §§ 404.1520(b)(2), 416.920(b)(2), and take any further action necessary to complete the administrative record. A new decision will follow.

Based on the Court's review of the motion and record, and based on the agreement of Plaintiff's counsel to a sentence four remand, the Court hereby RECOMMENDS that the motion be GRANTED and Final Judgment entered in Plaintiff's favor under 42 U.S.C. § 405(g) that remands the action to the Administrative Law Judge. The action should remain CLOSED. Based on the agreement of all parties, no objection period is contemplated.

DONE AND SUBMITTED in Chambers at Miami, Florida, this 16th day of November, 2023.

A handwritten signature in black ink, appearing to read 'E. Torres', is written over a horizontal line.

EDWIN G. TORRES

Chief United States Magistrate Judge